



Patent
Attorney Docket No. 032,290-008
(Formerly 1000-07)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

FULTON

Serial No.: 09/996,878

Filed: November 30, 2001

For: BIOPSY LOCALIZATION METHOD
AND DEVICE

Group Art Unit: 3737

Examiner: Brian Scott Szmal

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-SB/08a and PTO-SB/08b. In accordance with §1.98(d), copies of some or all of the references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the Patent and Trademark Office in one or more of the related U.S. Applications and Patents: U.S. Application No. 09/900,801, filed on July 6, 2001, issued as U.S. Patent No. 6,699,205; U.S. Application No. 09/336,360, filed on August 3, 1999, issued as U.S. Patent No. 6,270,464; U.S. Application No. 10/027,157, filed on December 20, 2001, issued as U.S. Patent No. 6,730,042; U.S. Application No. 10/628,090, filed on July 25, 2003; U.S. Application No. 10/839,112, filed on May 4, 2004; U.S. Application No. 10/839,226, filed on May 4, 2004; U.S. Application No. 10/943,433, filed on September 16, 2004; U.S. Application No. 10/943,434, filed on September 16, 2004; and U.S. Application No. 11/283,235, filed on November 18, 2005.

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CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

February 3, 2006
Date of Deposit
NBI:671000.1

Cynthia B. Pacheco
Cynthia B. Pacheco

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☐ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☒ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☒ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

Statement Under 37 CFR § 1.97(e):

- ☐ Each item contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

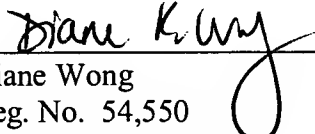
- ☐ A check in the amount of \$180.00 is enclosed for the above fee(s).
- ☒ Please charge \$180.00 to Deposit Account No. **50-2862** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to O'Melveny and Myers' Deposit Account No. **50-2862**.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: February 3, 2006

By: 
Diane Wong
Reg. No. 54,550
Attorneys for Applicant

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Substitute for form 1449A-PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application No.	09/996,878
Filing Date	November 30, 2001
First Named Inventor	Fulton
Art Unit	3736
Examiner Name	Brian Scott Szmaj
Attorney Docket No.	032,290-008 (formerly 216226US-25 CONT)

Sheet 1 of 3

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Document No.	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	us-3,001,522	09/1961	Silverman	
	2.	us-3,194,239	07/1965	Sullivan	
	3.	us-3,823,212	07/1974	Chvapil	
	4.	us-4,197,846	04/1980	Bucalo	
	5.	us-4,298,998	11/1981	Naficy	
	6.	us-4,320,201	03/1982	Berg	
	7.	us-4,356,572	11/1982	Guillemin	
	8.	us-4,744,364	05/1988	Kensey	
	9.	us-4,789,401	12/1988	Ebinger	
	10.	us-4,832,686	05/1989	Anderson	
	11.	us-4,909,250	03/1990	Smith	
	12.	us-4,970,298	11/1990	Silver	
	13.	us-5,002,548	03/1991	Campbell	
	14.	us-5,085,629	02/1992	Goldberg	
	15.	us-5,120,802	06/1992	Mares	
	16.	us-5,127,916	07/1992	Spencer	
	17.	us-5,148,813	09/1992	Bucalo	
	18.	us-5,192,300	03/1993	Fowler	
	19.	us-5,195,540	03/1993	Shiber	
	20.	us-5,204,382	04/1993	Wallace	
	21.	us-5,207,705	05/1993	Trudell	
	22.	us-5,326,350	07/1994	Li	
	23.	us-5,431,676	07/1995	Dubrul	
	24.	us-5,433,751	07/1995	Inoteb	
	25.	us-5,507,813	04/1996	Dowd	
	26.	us-5,626,611	05/1997	Liu	
	27.	us-5,716,404	02/1988	Vicante	
	26.	us-5,716,404	02/1988	Knapp	
	29.	us-5,752,974	05/1998	Rhee	
	30.	us-5,795,308	08/1998	Russin	

Examiner
SignatureDate
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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	31.	us-5,868,708	02/1999	Hart	
	32.	us-5,869,080	02/1999	McGregor	
	33.	us-5,922,024	07/1999	Janzen	
	34.	us-5,941,910	08/1999	Schindler	
	35.	us-6,066,325	05/2000	Wallace	
	36.	us-6,083,522	07/2000	Chu	
	37.	us-6,340,367	01/2002	Stinson	
	38.	us-6,347,241	02/2002	Burbank	
	39.	us-6,749,554	06/2004	Snow	
	40.	us-RE34,936	05/1995	Campbell	

FOREIGN PATENT DOCUMENTS

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	41.	DE 935625	11/1955			
	42.	EP 0255123	02/1988			
	43.	EP 0983749	03/2000			

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s) volume-issue number(s), publisher, city and/or country where published	T ²
	44.	CLARKSON, P.: "Sponge Implants for Flat Breasts," Proceedings of the Royal Society of Medicine, Vol. 53 at 880-881 (1960)	
	45.	FOURNIER et al: "Experimental Studies and Preliminary Clinical Trial of Vinorelbine-loaded Polymeric Bioresorbable Implants for the Local Treatment of Solid Tumors", Cancer Research 51, pp. 5384-5391, October 1, 1991	

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SignatureDate
Considered

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[illegible]

Examiner Signature	Date Considered	
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